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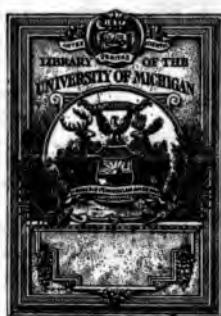
SOME SOCIAL THEORIES OF
THE REVOLUTION, OUR PRE-
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THE STEPS BACK . . .



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AN ADDRESS BY
THEODORE GILMAN, Esq.
DELIVERED BEFORE
THE NEW YORK SOCIETY
OF THE
ORDER OF THE FOUNDERS AND
PATRIOTS OF AMERICA

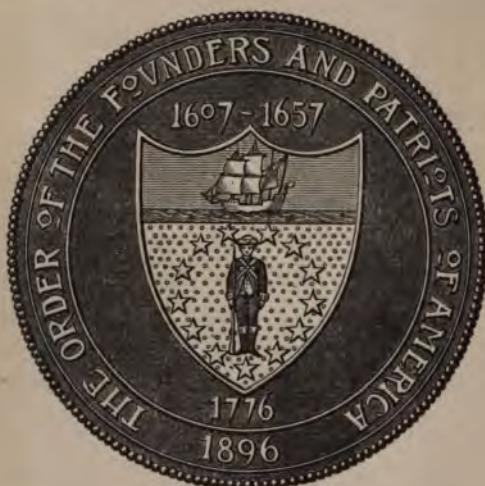
JANUARY 31, 1905



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NOTE

The following address was delivered by Theodore Gilman, of the New York Society of the Order of the Founders and Patriots of America, at a meeting of said Society, held at the Hotel Manhattan, New York City, Tuesday Evening, January 31, 1905. Its publication was directed by the Society.

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SOME SOCIAL THEORIES OF THE REVOLUTION OUR PRESENT DAY RETROGRESSIONS THE STEPS BACK

BY

THEODORE GILMAN

A traveler, especially a home comer, visiting the old towns of New England, may well be impressed and refreshed by the generous plan on which those towns were laid out by the pioneer settlers. Time has brought to a luxuriant maturity the elms which line the streets. The broad and parklike street, which forms the central detail in the plan, is at once dignified, restful and beautiful. It lends itself to adornment or business. The town can never outgrow that feature of its plan. If it becomes a city, the spacious roadway is its breathing place. If a resort of fashion and recreation, the plain old street becomes an elegant avenue, which blooms gracefully with flowers and smiles broadly with lawns.

What kind of men were they who thus planned for the future in this large-hearted, brainy way? We can tell what they were as we think their thoughts after them. The men who laid out the towns of Litchfield, Stockbridge, Williamstown, North-hampton, Exeter and a host of others had a conception of what a town site should be which belonged to themselves, as distinctively as a style of literature, art or architecture belongs to the men who created their separate eras.

The town site was not the result of æsthetic taste or of a knowledge of landscape gardening, though it included these. It was rather the expression of theories of government and society. The unit was the town and the formative principle which governed its development and its physical aspect was the social compact. That which gave shape to the village was a theory of equality as broad as the land and of representative government

which surrounded every hamlet with the dignity of a royal court. The familiarity of the founders with constitutional law, and the consciousness that they were shaping their government, their land, their social customs, their very streets, for a brilliant future, the magnitude and glory of which dazzled their imaginations, made them to feel that their every act was great and freighted with heavy responsibilities for the future.

With this serious mind they laid out their towns, and we of the present day who walk through those quiet and shaded streets are compelled to acknowledge that the men who planned those walks were great.

But there is another side to this picture. In many of these towns it is to be noticed that the original plans have not been maintained. Perhaps encroachments on the parklike street have been permitted, or local contests over locations of public and private buildings have arisen. It may be that those living at one end of the town have become jealous of those at the other, and the old church, which was placed in a commanding position, has been a source of contention. A rival has perhaps been placed in a location more convenient to a part of the townspeople, or, if the old church has burned, a new one has been erected as a compromise on a site which destroys the unity of the founders' plan. The visitor mourns over these changes and laments that, while the outline of the plan remains, the custody of these priceless heirlooms has fallen into degenerate hands.

The town is a type of the nation, and the retrograde steps which may be noticed in the town may perhaps have happened in the affairs of the nation. The present generation may well be called upon to revive the spirit which moved the founders of town and nation, by marking the departures from their principles which are evident to the student of the past and the investigator of the present, and by endeavoring to restore to its pristine beauty that grand conception of which the plan of the town is the type. If inroads have been made in the ideas which, like a broad thoroughfare, map off the plan of the political and social systems which our great forefathers drew, it is for us, the American citizens of to-day, whether native or of foreign birth, to become so imbued with their spirit that we can see the departures which have been made from their fundamental principles of government and make restorations to conform to their original design.

Where the early settlers got their design of constitutional and representative government is a more difficult question to answer than where they did not get it. They did not get it from the aristocracy of England, or from the writings of Hobbes, the philosophic apostle of royalty. We can read in the history of the colonies the first appearance and the subsequent development of their design. They first carried it into effect when the House of Burgesses met in Virginia on the 30th of July, 1619, at which time representative government was first established on this continent.¹ Their design was again formulated in the combination made in the cabin of the Mayflower, on the 11th of November, 1620, before the Pilgrims landed at Plymouth.² It again took shape in the protest by the minister, elder and people of Watertown in 1632 against a tax levied by the Governor and assistants on all the plantations of Massachusetts, in which the colonists delivered their opinion that "it was not safe to pay money after that sort, for fear of bringing themselves and posterity into bondage."³ It again was expressed when in the spring of 1681 Captain William Dyre, who held the positions of Mayor of the City of New York and Collector of Customs by appointment of the Duke of York, was arrested at his handsome residence, on the southeast corner of Broadway and what is now Liberty street, charged with imposing on the citizens of New York "unlawful customs and impositions on goods and merchandise." At his trial Dyre entered the plea that, as he had a royal commission, he could not be tried. The verdict of the jury, however, was that the arbitrary levy of taxes under the sole authority of the Duke was illegal. Dyre was sent to London under arrest, but there was released without punishment, evidently because the home government was in sympathy with his acts.⁴ The Duke of York was at length compelled to yield to the wishes of the colonists and Dongan was sent out as Governor, empowered to summon the

1. English Colonies in America, Doyle, Vol. 1, page 138.
 Johns Hopkins University Studies in Historical and Political Science, Vol. 14, page 266.

2. Bradford's History of Plimouth Plantation. Printed by order of the General Court, 1899, page 110.

3. Johns Hopkins University Studies in Historical and Political Science, Vol. 12, page 387.

4. Documents relative to the Colonial History of New York, collated by John Romeyn Broadhead, 1853. Vol. 3, pages 314-321.

freeholders of New York to establish a representative government.¹

The same determination to resist taxation without representation showed itself in the Province of New Hampshire in the year 1683, when Thomas Thurton, Provost Marshal of the Province under appointment by Lieutenant-Governor Cranfield, attempted to collect a levy under authority of the Governor.² He was told by John Foulsham, Constable of the Town of Exeter, that if he, Thurton, came to levy any execution at his house he should meet with a hot spit and scalding water. And the wife of Hon. John Gilman, who was appointed Councillor of the Province of New Hampshire by Charles the Second,³ said she had provided a kettle of scalding water if he (Thurton) came to her house to demand rates, and the wife of Moses Gilman did say that she also had provided a kettle of boiling water for him, which had been on the fire for two days. Also, John Cotton, minister of Exeter, did come with a club in his hand, and they asked the Provost Marshal and his deputy what they did wear at their sides, laughing at them for having swords and being afraid to use them. The Marshal and his deputy said that the Governor had his commission from the King and he had his commission from the Governor to be Provost Marshal. They replied that his commission signified nothing, for they knew the law of England as well as any of the rogues, meaning the Governor and his Council. Afterwards they fell upon him and his deputy, and did beat him, and put him on their horse and tied his legs under the horse's belly and carried him out of the Province of New Hampshire into the jurisdiction of Massachusetts.⁴ These sturdy colonists thereafter made their complaints to the King against the Governor, chief among which complaints was the accusation that the colony had few laws but those made by the Governor and his Council, when his commission directed that the General Assembly, elected by the people, should make laws.

By these and similar occurrences in the various colonies, in defiance of the autocratic acts of the Governors, the principle of

1. Documents relative to the Colonial History of New York, collated by John Romeyn Broadhead, 1853. Vol. 3, pages 331-334.
Spencer's History of the United States, Vol. 1, page 92.

2. Thomas Thurton's visit to Exeter occurred 29th of December, 1683.
Provincial Papers of New Hampshire, Vol. 1, page 551.

3. Provincial Papers of New Hampshire, Vol. 1, pages 374 and 434.

4. Provincial Papers of New Hampshire, Vol. 1, pages 551 to 554.

representative government became the broad avenue around which all our early commonwealths grew up and on which they were established. Here was manifested the spirit of Magna Charta, the spirit of Anglo-Saxon love of freedom, the spirit of the theocratic doctrines of the Old Testament; here was the spirit of the Roman and Greek republics, the teachings of Moses and perhaps of Hamurabi, his predecessor, and of countless unknown law-givers before and after, through whom came down to the present age the true principles of human liberty which were to have at last a glorious opportunity to flourish and bear fruit in a congenial soil.

Bancroft remarks: "Popular assemblies burst everywhere into life with a consciousness of their importance and an immediate capacity for efficient legislation."¹ Before 1700 practically all the colonies had free legislative assemblies.² It was early urged that "there was more likelihood that such as were acquainted with the clime and the accidents thereof might on better grounds prescribe their advantages" than "such as sit at home" in England.³

Business considerations had their weight in the formation of the scheme of government, for settlers were invited into the different colonies by a promise of legislative freedom and a share in making the laws. We have only to remember how corporations now flock into a State whose laws are favorable to recognize what a great inducement it might have been to immigrants in those early days to locate where the laws and taxes were made and administered by the people themselves. At the Revolution this self-government was regarded as an invaluable right purchased by toil, treasure and blood.⁴

The resistance of the minister, elder and people of Watertown to unjust taxation in 1632, to which reference has been made, presaged the defeat of the aristocratic Winthrop at the next election for Governor of Massachusetts. This resistance to taxation without representation was the beginning of the strife between the colonies and the King. Bodies of laws which were enacted by the colonies, which were equitable, wise, progressive and just, and, as we look back at them, were in the spirit of

1. Bancroft's History of the United States, 17th Edition, Vol. 1, page 250.

2. Frothingham's Rise of the Republic of the United States, pages 18 to 21, note.

3. Frothingham's Rise of the Republic of the United States, page 21.

4. Frothingham's Rise of the Republic of the United States, page 27.

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modern progress and enlightenment, were disallowed and returned from England without the royal approbation. These conflicts and rebuffs created an irrepressible contest between an avaricious and profligate aristocracy and a liberty-loving people. The colonists tried to comfort themselves with the belief that "against the rapacity of foreign pretended claimants of their soil they could find protection in the known laws of the realm and the undoubted right of Englishmen and the favor of a gracious prince."¹ Their loyalty to the King was true and strong and it held out with marvelous tenacity against rebuffs, injustice and cruelty, until at last the cords which bound them to their King were cut by the sabre strokes that shed the first American blood at Lexington.

In colonial law there was no higher title than that of Freeman, and no higher privilege than to vote. It was so high a privilege that it was withheld from the convicts with whom the colonies swarmed, and given only to those whose respectability was vouched for by church membership.² Voting, therefore, was a religious act and duty.

Primogeniture, that stronghold of class distinction in England, did not long survive the free air of the colonies. In Massachusetts it was provided by law as early as 1641 that estates should be divided equally among children, except that the eldest should have a double share.³ Restriction to navigation and travel were alien to a vast, new country. "Let there be no Scheldts," said Timothy Pickering, when they were preparing the Ordinance of 1787.

So, with a representative government, with a uniform citizenship, with an equal division of property in families, and with no hindrance to travel on land or sea, after the great struggle of the War of the Revolution, the new republic was organized and established and sent on its mission down the ages.

These general principles, which preserved the rights of the individual, were reflected in all laws, social customs and business enterprises. The town, its site, plan, arrangement and order, were the nation in miniature. It was an ideal condition which

1. Provincial Papers of New Hampshire, Vol. 1, page 410. Address of the General Court to the King, Charles the Second, dated March 29, 1680.

2. Johns Hopkins University Studies on Representation and Suffrage, Vol. 12, Chap. 4, page 416.

3. Am. and Eng. Enc. of Law, 2d Ed., Vol. 27, page 294.

existed at the close of the Revolution, and it was no wonder that some of the baser sort, who were rude and uncultivated and hardened by the cruelties of war, should have misapprehended their rights and by an exhibition of force should have given the enemies of the republic occasion to blaspheme against its institutions. The Congress of the United States was obliged to leave Philadelphia where it was sitting and remove to Trenton, to escape the anger of a mob of the unruly creditors of the nation. No wonder Alexander Hamilton's confidence in a government by the people was shaken, for on that occasion he urged Congress "to think on eternity, for he believed that in an hour not an individual of their body would be left alive."¹ The legislature of New Hampshire was, at the same time, only protected by force from an armed attack of advocates of an issue of fiat paper money.² At the same time a still more serious outbreak, known as Shay's Rebellion, occurred in Massachusetts, when the malcontents clamored for State issues of paper money and endeavored to interfere with and control directly the machinery of the State government and Courts. It was a carnival of an attempt to govern by persons and to overthrow and disregard the rights of property.

These disorders contributed much, if not chiefly, to the adoption of the Federal Constitution. They were prototypes of other disorders which have threatened the life of the Republic from that time to the present. Shay's Rebellion was a petty affair compared with the Rebellion of 1860, but they belong to the same class. In each case representative institutions were brought to the test. The question was, can they continue to exist when men are oppressed with poverty, when they are inflamed with anger, when any considerable number wish to throw off an allegiance which they have found irksome and no longer love. There has been but one question presented to the people since the organization of this government, but though the same, it has been presented in many different forms. It always resolves itself into this, can the government survive disaster, poverty, internal dissensions, temptation to do wrong, and in these last days a new danger has arisen, can democratic institutions stand the increase in wealth and luxury.

1. *Anecdotes of the Revolutionary War*, by Alex. Garden, 1822, page 431.
 2. *History of Exeter, N. H.*, by Charles H. Bell, page 97.

Ever since presidential campaigns began, the country has been told that the Constitution was in danger, and that our liberties were threatened. In a sense that has been true, and perhaps some of our liberty has been taken from us, and more might have been. There are many who now smart from a feeling of injustice from national and local legislation, who are angry at the tariff and are envious of those who they think have been made rich by robbery. Public questions have often been decided by might, not by right, arbitrarily and not according to justice and equity. Such results are inseparable from human affairs where mixed motives govern and the sense of right is often swayed by emotion and personal interest. Popular favor is fickle and the hero of to-day may be inglorious to-morrow.

The question has been whether popular government can survive the crisis, not whether the principle of such government is right. Therefore the object of a patriot should be to provide against the crisis, to anticipate the dangers which might overtake the country, to cut out the decaying spots from the body politic. Thus the plan of the town and of the nation would be preserved. The object is not to change the plan, but to carry out the original design.

We must, therefore, seek to know what will defeat the original design, or, in other words, what is subversive of popular government. The answer must be, whatever will take away from the freeman his vote, or will tend to nullify his vote by giving to others not legally authorized the power to command its use, or will tend to reduce the voter from his position of equality and exalt property powers and qualifications at his expense.

These are the dangers to which popular government may be and is exposed. Reduced to their last analysis, the one is the danger from the political organization called the machine and the other is from the financial combination called the trust. The machine takes from the voter the control of his vote and uses it according to its judgment. Its twin ally is the trust, which, in copartnership with the machine, wields a vast money power to overwhelm the individual voter, circumvent his wishes and overthrow his independence.

That the machine is not to be found in the original plan of the town, and is no part of the representative government established by the founders and patriots of America, is evident on

the slightest inspection of the ancient plans and documents. The colonists antagonized their Governors when they promulgated laws without the consent of their General Assemblies, which were duly elected by the people and were truly representative. The consent of the governed, as evidenced by the votes of freemen, and the power to originate legislation and levy taxes, were held by them as inalienable rights.

After representative government has been established in our country for two hundred and eighty-six years, after our forefathers won the fight for self-government in the battles of the Revolution, and after many political struggles since then, to confirm and perpetuate a government of, by and for the people, it is strange that we should find a condition nowadays existing by which we have a form of popular government and are denied its reality. But the word *machine* is too vague a term for us to use without explanation and definition before we attack it and suggest remedies. It is a modern word applied to describe a condition which already exists. There is no thought in the parts of a machine. The fire burns, the steam is generated, the piston moves and the power is developed at the will of the one who controls the machine. He does all the thinking and the parts of the machine are subservient to him. A political machine has like characteristics. It necessarily involves the idea of a boss, at whose word of command the machinery of the party starts and stops. I have the greatest respect for a competent engineer. I see him with his oil can with its long spout deftly dropping a little oil first on one crank and then on another. I see him increasing the draught and piling on the coal and with his hand on the throttle and his eye on the road ahead bringing his train through on schedule time. There is nothing lighthearted or gay about him. When he brings his train to a stop he looks at you with a solemn face, as one who knows that great interests have been under his care. The political boss is much the same kind of a man, and usually does the work committed to him in an equally satisfactory manner. He would not hold his position for one moment if not commissioned to do so by his party. The boss is a necessary part of the machine and it is not the boss but the machine which is arraigned before us as a fungus growth on the tree of liberty.

The political machine is a development which takes its origin in the system of delegating the duties of a large body to special persons or committees. That system is a good one and indispensable for the prompt discharge of the business before any organized gathering of men. The first duty of a political organization is the appointment of committees and it is an easy step to the appointment of a committee to boss the whole organization. Such a committee may be a necessity for the supervision of the general interests of a party, but when it assumes dictatorial powers and reduces the other members of a party or organization to puppets to obey its commands, and sends up orders to Albany or Washington to push one measure through and to sidetrack another, whether they appear to legislators beneficial or otherwise, then its actions become harmful. A general committee might, within limits, be most desirable, while a machine might be most disastrous to the welfare of the country.

The political machine works in the dark with no public accountability. It is therefore necessarily exposed to the temptation to make trades and deals. A still greater danger lies in the temptation to make issues for the party, not because those issues are demanded for the good of the country, but because they form the best basis on which to conduct a political campaign. Politics in the hands of the machine becomes a game. Economic questions have only an academic interest unless they are advocated by the machine. The machine surrounds our legislative assemblies as his courtiers surrounded King Charles the Second, or as the bureaucracy surround the Czar.

But the chief danger from the machine lies in the still further extension of its power to control the appointment of committees. Committees are said to be the hands, eyes, feet and ears of legislative bodies. How is it at Washington now? Is it not known that the appointment of committees is controlled by a few men and that the general membership of the Congress has very little to say about it? These few are no doubt very excellent men, and their one thought is to bring the subservient train through on schedule time. They do their work so well it would be graceless to complain, if they did not practically nullify the representative character of Congressmen and bring Congress under the suspicion of compromising deals. A repre-

sentative who arrives at Washington for the first time, and who is ambitious to do work on committees, finds that it is not fitness but pull with the machine which will get him the desired place. He is demeaned by being required to submit his recommendations and letters. The machine settles the matter by selecting committeemen not primarily for worth or capacity, but for serviceability to the party organization. Thus the committeeman, when appointed, finds his allegiance must be largely transferred from his constituents, where it rightly belongs, to the machine to whom he owes his appointment. The considerations which influenced the machine in giving the appointment are a hidden mystery and find their explanation either in legislation favorable to certain interests or in legislation which was stifled on its way to the statute book.

Where can we find authority for this method for the control of legislation? It was not in the plan of the founders and patriots. We read in the first section of article one of the Constitution of the United States, "All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of" what? a Speaker and a machine? No: "of a Senate and House of Representatives." Nowhere in the Constitution do we read that the Speaker of the House is second only in authority and power to the President of the United States. Nor do we read that any one Senator shall have power to stop legislation on any subject. There has been a slow evolution by which at last the appointment of committees and the control of legislation has been taken away from Congressmen and placed in the hands of the machine, and thus the whole theory of government devised by our forefathers has been defeated and subverted. Such changes come on us slowly and unawares and the true situation is only revealed to us when we wake up to find that we have broken away from our moorings and are drifting on a sea full of dangers.

There is then a loud call for reform and for an indispensable change in our legislative methods to bring them back to the pure standards of the founders and patriots. This required change is to restore to Congress the power given to it by the Constitution and taken away from it by the machine and to place again in the hands of Congressmen themselves the appointment of their own committees. This would restore to the

office of Representative its former dignity and take Congress out of the valley of humiliation in which it has traveled too long.

This change would be no experiment. English, French and German precedents can be cited in its favor. It is impossible to think of a Presidential Convention organized on any other plan, short of autocracy. It is only necessary to refer to the example of the General Assembly of the Presbyterian Church, which adopted this system a few years ago at the original suggestion of Col. James M. Rice, of Peoria, Illinois. The Presbyterian Church in the United States of America had its birth in the same city and the same year as the Constitution of the United States and its church government is of the same representative character.

Following the principle of the plan which governs our Presidential Conventions, as well as some of the English, French and German legislative assemblies, Congress could be districted and the right to appoint their proportion of committeemen given to the representatives of each district, the dominant party holding its majority in each committee as now. Committees would thereby become representative of their true constituents, the voters who elected them. All underhanded combinations and influences are thereby prevented, and the office of Representative restored to its former dignity. Issues before the country would then be raised to the highest plane, the welfare of the entire nation and the dominant and pernicious reign of the machine would be brought to an end.

A large part of the danger from the trust would vanish with its twin conspirator, the machine. If committees, the hands, feet, eyes and ears of legislative bodies, were truly representative of the country instead of the machine, it would be impossible that bargains could be made. But the trust has its economic side as well as its political. The value of a trust to its promoters is in proportion to its nearness to a monopoly. To Anglo-Saxon thought a monopoly is odious. In an environment of the Latin race it is not so. The good that may come from a monopoly overbalances in the Latin mind the evil that it may occasion.

Caste never had a substantial foothold on this continent. As has been said, the founders and patriots early discarded primogeniture and established representative government under which

all freemen possessed equal rights. All the tendency of legislation in this country has been to give every man a fair and equal chance. But the trust intervenes to prevent this result, and it uses the power given by the State, that is, of incorporation, to accomplish its ends. The trust gives to capital the power to overthrow weaker rivals and dictate to whole communities the terms of their existence. The development of whole areas of the country is made subject to the will of absentee proprietors.

It has been said that the danger to our liberties is from militarism, and the examples of Greece and Rome have been appealed to by the high authority of Dr. J. G. Schurman, President of Cornell University, to maintain the assertion. But did not the Heroic Age of Rome exist under the Republic? Were not then the Samnite wars carried on which paved the way to the future greatness of Rome? Did not then the Roman Senate possess its greatest power and majesty? Was it not during the Punic wars that Rome's naval power reached its preponderating influence? Was it not during the Macedonian wars that Rome became the arbitress of nations? All these military movements took place under the Republic. It was only as the military power gained for Rome her proud position that wealth corrupted the habits of the people, and their stern virtue and loftiness of purpose was exchanged for every species of vice and profligacy that a corrupt imagination could suggest.¹

Wo to the land to hastening ills a prey,
Where wealth accumulates and men decay.

Rome's greatness was attained under a warlike Republic, and lost under the dominance of an effete, moneyed aristocracy. If Dr. Schurman will take down his Pliny, he will see that it was his opinion that it was the trusts of those days that destroyed the Republic. Pliny was a near observer, and he wrote these three words which give his explanation of the decline and fall of the Roman Empire, "latifundia perdidere Italiam," the broad estates, the vast combinations of capital, sent Italy to perdition. "The economic condition of ancient Italy," writes the translator of Blanqui's Political Economy, in a note on page 51, "presents a most remarkable fact which has only been brought into full relief by recent writers, notably by Dureau de la Malle, in his *Economie Politique des Romains*. It is the depopulation of Italy caused

1. Oxford Chronological Tables of History, 1838, Tables VI., VII. and VIII.

